

The role of ethics in public administration

Abstract

Recently, there have been several research studies focusing on the ethics of those who are responsible for public services and in different government positions. Ethics delivers greater responsibility between the citizen and the administration and helps to foster confidence such that citizens can be convinced the administration is working in favour of the public interest. Therefore, it is imperative that every action be made in accordance with ethical rules and principles. This article is focused on the importance of the ethical behaviour of public administration employees in relation to citizens; its aim is to demonstrate the ethical values that every administrator should have in order to establish a responsible, efficient, transparent and accountable administration so as to fulfil such duties towards citizens. The drafting of codes of ethics as well as respect for fundamental principles promotes the creation of a professional climate in the public servant-citizen relationship; this article seeks to highlight the importance of respect for such codes and principles extending to the highest level of professional employees.

Keywords: ethics, administrative activity, principles, ethical codes

Introduction

Ethics in public administration has been a very important field of study since the mid-1970s, in the context of efforts to put this issue on the agenda of public administration reform. Hence, we can say today that the study of public administration ethics has attained a broad spectrum in terms of its approach as well as across a variety of social, legal and philosophical disciplines.

All institutions that carry out, or offer, services within a public administration context should, therefore, focus on meeting needs and general social interests by providing more efficient services with high levels of responsibility and thoroughness. The services and the needs of citizens should be fulfilled via the conscientious actions of those employees and officials who represent the bodies that exercise public administration activities.

In this article, we intend to focus more on the role of ethics in the offer of administration services while, at the same time, having respect for the ethical principles that directly affect the provision of efficient services in the interests of citizens. Ethics has long been a controversial field of political, legal and philosophical study (and of other fields in addition). However, despite the establishment of a close relationship between ethics and public administration, some issues nevertheless continue to remain challenging concerning the need to define ethics via a more constructive approach.

In contemporary times, it is evident that the importance of ethical issues in public administration has increased considerably; therefore, this article aims to address the importance of ethics in public administration as this represents a basis for both type and form of government. Hence, the purpose of public administration is to fulfil the needs and demands of citizens through those employees and officials who are able to offer such services in the most efficient manner.

The good behaviour of administration officials and the role of ethics in the performance of administration services should be respected by all institutions, specifically those who are in direct contact with the public. Not only that, however; at the same time, good and ethical conduct is also necessary between institutions within the administration and public officials because this furthers the achievement of the goal of the more effective provision of services.

Ethics in administration is a particularly important topic given that ethics helps us understand what is right and what is wrong concerning some of the rules of engagement, while this meaning leads us to the importance of administration officials having a sound ethical outlook that will create a good reputation and earn the respect of citizens.

The combined application of ethical standards, a sound legal framework and administration reform can be considered in the context of an integrated system with a parallel and efficient functioning that demonstrates the source of genuine ethical behaviour within an administration. The ethics of advanced public administration entails the need for a clear orientation and a management style that assures the integration of ethical values, and an environment based on these, as well as increased favour for ethical politics to avoid bureaucratic procedures.

Ethical behaviour is considered to be that which citizens accept both in its moral aspect and in legal terms as good and right-minded behaviour; at the same time, an ethical approach highlights the individual's belief in right against wrong and good against evil in order to strive to do what is just and right.

We can say that all those within an administration who are officials or employees performing duties and responsibilities carry a lead role in implementing ethical behaviour within an administration institution. The separation of good from bad and the resolution of many problematic issues in the delivery of public services could be implemented specifically through improved ethics or behaviour.

General concepts on ethics in public administration

Good administration is directly linked with good administrative behaviours and, in this respect, attention must be paid to the European Code of Good Administrative Behaviour, which sets out clearly and precisely the principles of good administrative behaviour and the importance of ethics in this field (Batalli and Fejzullahu, 2018).

The primary purpose of every administration should be to provide services based on ethical conduct, enabling the functioning of a professional, non-discriminatory, efficient and accountable administration by creating equally transparent conditions for everyone and at all times. One of the biggest challenges faced by public administration is the design and implementation of standards for the ethical behaviour of em-

ployees, because good governance in times of prosperity needs leaders who are responsible as a means of encouraging ethical behaviour in an institution.

Administrative organisations may be considered to be a reflection of the sum of their people who, as a key element in their functioning, retain their own social behaviours, i.e. their social activity. Consequently, social activity may, according to such an expression, be used in the sense of conscious human behaviour (Stavileci, 1997).

Good behaviours among employees are dependent on several factors (Stavileci, 1997: 310):

- a) the factors involved in economic and social adjustment
- b) the way those factors gain space in people's consciousness
- c) the form or mechanism of their motivations.

These factors are, therefore, determinants in the creation of the preconditions for efficient and effective administrative activity in which employees are the main actors and in daily contact with citizens receiving administration services.

Ethics is a key component of good governance (Perry *et al.* 2014) and it should also be a fundamental part of the workplace skills and orientation of every civil servant that is committed to his or her work and attuned to their role in society. A conscious citizen is, simultaneously, also likely to be a conscious and moral employee; a citizen that adheres to the law is, at the same time, also likely to be an employee who enforces the legal obligation to protect, apply and respect applicable laws as well as the rules of ethics.

Ethics and the values of public service are important elements comprising the 'body and soul' of public administration (Menzel, 1993). Ethics should be implemented by public officials in their daily activities to implement and protect the law and to carry out the tasks to which they have been assigned, but also to fulfil the obligation to the institution in which they work by not misusing the power and authority given to them (Shala, 2014).

Ethical behaviour by administration employees not only facilitates the performance of duties and responsibilities by employees but also improves the image of the institutions and bodies that exercise administration activities. Denhardt and Denhardt (2000) argue that public administrators influence, and are influenced by, all of the competing standards, values and preferences of the complex system of governance. Consequently, respect for ethical principles increases the value of the services of an administration which, in turn, not only improves the lives of citizens but, at the same time, shows the seriousness of the institution and the state in the implementation of laws.

The term 'ethics' derives from the Greek ἠθικός (*ethikos*) which means 'relating to an individual's character' and comes, in turn, from ἦθος (*ethos*) meaning 'character' or 'moral nature'. It represents a special branch of a philosophical science that deals with the fundamental values of interpersonal relationships and is, otherwise, the main indicator of a sense of discipline that has to do with good and bad as well as one's own moral obligations, a complete set of moral principles and values that govern the activities of an individual or group as a driving philosophy (Çani, nd). Ethics or 'morality' is:

A branch of philosophy that attempts to define right from wrong and provide guidance on how an ethical person should behave. (Meguid, 2011: 2)

Ethics can be understood as a form of self-responsibility, or even as an inhibition of the actions of public administrators; however, internal action may arise from the demands of factors external to the behaviour of administrators.

A study of history, philosophy and religion reveals a strong consensus of ethical values surpassing culture and time to create ethical standards and norms of moral conduct that are essential to an ethical approach. These values include: credibility; integrity; leadership; and care. Based on these values, it can be said that some principles are not limited by time and are always applicable when developing ethical behaviour (Goss, 1996).

So these values must, in any given circumstance, be sustainable for each individual and especially of those officials called upon to offer services to citizens.

Ethics is the world of philosophies of values and morals; whereas administration is, in contrast, a world of thoughts and actions. Ethics requires an understanding of right and wrong; administration is a task-focused activity. Ethics is abstract; while administration practices are concrete (Frederickson and Walling, 2001).

In this regard, the link between the values of ethics and the actions of an administration results in the fulfilment of the demands of citizens. In practice, ethics in administration is related to the implementation of moral criteria in the provision of services and this primarily relates to the individual, i.e. the public official, and to the way in which he or she behaves in the different situations created during the exercise of that activity.

The importance of ethics in the work of public administration

Ethical rules represent the foundation of the provision of administration services by civil servants working within the units of local authority organisations to offer services from which citizens will benefit, including individual citizens as well as third party organisations and other civil servants.

Public servants are expected to have high ethical standards for several other reasons. First of all, it is the law. The most basic forms of ethical behaviour are prescribed in rules, regulations and orders, etc. Second, ethical behaviour is essential in maintaining public trust in government: citizens must know that public officials have integrity and will deliver critical public services on time (Meguid, 2011).

It can be argued that sound ethical behaviour in state administration is more important than in business or in private life. This is because the state administration has the authority to seek obedience from individuals and oblige them to act in certain ways. Governments finance their operations by levying taxes on the public; thus, taxpayers are entitled to honesty and integrity from the government (Meguid, 2011).

Thus, obligations not only need to emanate from a public official's responsibility for the administration but they come also from legal obligations which, for all public employees, must be primary in their work.

State administration officials should characterise particular specific qualities in performing their duties (Goss, 1996):

- be responsible (in the enforcement of executive decisions)
- to act as a lawyer (in terms of advocating for and speaking in the name of the persons or groups that come to them)
- to exercise care (showing empathy for the persons or groups being served)
- to be competent (demonstrating the necessary level of knowledge, experience and skills while at work)
- to respect confidentiality (to keep confidential the private or privileged information of the administration)
- to be economical with spending as regards public money
- to be honest (not favouring any person or group)
- to be politically vigilant (familiar with the electoral mandate and the wishes of voters and elected officials)
- to be predictable (constant in decision-making so that people know what to expect)
- to work in the public interest (i.e. for the benefit of all the people, not only for that of a certain group)
- to be trustworthy (not corrupt, but sincere in the trust granted them by citizens).

In order to be ethical, an administration official is required to be able to engage independently in the process of reviewing the standards by which decisions are taken to the extent that organisations take such decisions legitimately. An official should also be willing to adapt decisions in the light of these standards, always reflecting commitment to the core values of the organisation and taking into account the desire to achieve its goals. The official will be held accountable officially and professionally within the organisation for the decisions taken, and with respect to the ethical standards on the basis of which decisions are made (Hejka-Ekins, 2001).

Nowadays, ethics in public administration presents a widely-discussed and challenging problem area, not only from a theoretical point of view but also in terms of the validity of ethical and moral principles and norms in the field of public administration practice. Consequently, it is in the interests of an entire society as to how services for citizens are made available and delivered, in the context not only of the economic means but also ethical standards as, ultimately, they have an impact on all citizens. For that reason, the importance of articulating ethics and ethical values that define and underpin public service cannot be underestimated (Ondrová, 2017).

Why do state administrative institutions engaged in the delivery of public services need to act ethically?

In general, society wants ethical behaviour in public administration to be the same, or as close as possible, to that which applies in the society from which the state is constituted. In this respect, ethical codes generate standards of competence and professionalism that employers and employees in the public sector are entitled to expect from each other. Through such codes, management provides policy guidance for use within the administration by encouraging employees to enforce laws in a professional and equal manner.

Citizens have rights to different public services while administration officials are supposed to serve the community efficiently and to deliver proper instruments for citizens both to express criticisms of the institution's performance and to use appropriate ordinary and extraordinary remedies against administrative decisions where these have been made without regard to ethics. In consequence, the ethical rules and basic principles for public service should be clear and should derive from the applicable legislative framework.

Public servants need to know the basic principles and standards they are expected to apply to their work and where lie the boundaries of acceptable behaviour. A concise, well-publicised statement of core ethical standards and principles that guide public service, for example in the form of a code of conduct, can accomplish this by creating a shared understanding across government and within the broader community (OECD Public Management Committee, 1998).

Primarily, it is the level of the state that approves ethical codes of conduct containing ethical principles, as well as the laws that regulate the domain of state administration. However, such a code has also been approved by the European Parliament, i.e. the European Code of Good Administrative Behaviour (European Parliament, 2001). This Code envisages general principles of conduct, such as: legality; non-discrimination; proportionality; non-abuse of power; impartiality; independence and objectivity; courtesy; etc.

A common device in regulating conduct is to draw up a code of ethics, or a written framework, with this being used by organisations to specify and then shape what is regarded as appropriate conduct (Downe *et al.* 2016). For this reason, i.e. for the correct functioning of public administration, several different ethical codes have been drafted and approved. These are crucial to creating an ethical environment within which public administration can flourish.

Any and all public service institutions should publish rules and procedures promoting an ethical approach to proceedings; this constitutes a positive background for public officials against which people can be held liable when those rules are broken. The promotion of a code of ethics encourages a proper system of coverage that enables reporting on any misconduct within an organisation.

Codes of ethics and conduct shed light on an institution's vision, values and success as a basic point of approach and orientation for public officials in maintaining their day-to-day activity. Codes of ethics endorse a sound, public and proficient internal society, enabling an institution to be more sustainable and spirited. Ethical behaviour within an organisation promotes a culture of work, improving reliability and clarity in the decision-making process such that challenges can be overcome and the organisation concerned become more successful.

In different states, ethical codes can be included within a legal framework that includes laws, acts and regulations, such as constitutional provisions, the criminal code, public service laws, the law on administrative procedures, procurement laws, provisions on conflicts of interest, etc.

The *Ethics Framework for the Public Sector* is a voluntary, non-legally binding European code of ethics (Moilanen and Salminen, 2006). The Framework reflects basic common values and standards of conduct which are considered important for

the proper functioning of public services. It helps to structure the discussion and can be used as a checklist or general guideline in the development of national code(s) of ethics.

The creation of a framework that would incorporate all the principles of ethical behaviour is very important in the application of ethical values that directly affect the provision of administration services. Ethical codes therefore constitute systematic efforts to define acceptable behaviour, laying down the principles which provide guidance for public officials to do good and avoid evil. Furthermore, they inspire confidence in the government, set standards of administrative behaviour in public organisations, provide guidelines for decision-makers in cases where values may be in conflict and set down measures of responsibility as regards the public (Plant, 2001: 309).

Ethics codes within public administration usually include three core elements: a statement of ideals; forms of action which are compatible with these ideas; and obligatory means by which the behaviours, within the limits defined by the code, can be enforced. The deployment of these elements is a signal that the code is more than a symbolic statement but something which compels those that follow it of the major issues of public interest, professional and personal identity, or standards of fair behaviour, that lie within the appropriate sphere of interest (Plant, 2001: 311).

Josephson (2002) points out that ethics refers to principles defining right, good and proper behaviour. Such principles may not always incline to a single 'moral' course of action, but they do provide a means for evaluating and deciding among competing options. According to Josephson (2002), there are several key personality traits involved in ethical approaches, such as: respect (tolerance and acceptance; civility, courtesy and decency; and dignity and autonomy); trustworthiness (honesty, integrity, reliability and loyalty); responsibility (accountability, the pursuit of excellence and self-restraint); fairness (equity and impartiality); care (the 'heart' of ethics); and sense of civilisation and citizenship.

The pillars constituted by these principles are considered the main basis of the character of a person and, at the same time, they determine the ethical values that everyone should have and, in this case, especially those who serve citizens via the delivery of public services.

Delivering public services leads to many situations that confront individuals with difficult and significant choices, either in gaining personal advantage, which is a major temptation, or being honest and serving society in line with the public interest. Furthermore, even when people know the right thing to do, they may find it difficult to act accordingly because of the pressures that surround them, whether from society, a particular group, organisation or institution, or peers and even family. In addition, even when they are aware that they face some ethical dilemma, cognitive limitations and biases often limit their ability to make the best moral judgment. We have to be frank and admit that there are situations when it is hard to take the proper stance and decide on an ethical course of action.

A certain kind of standardised European system, setting out socio-ethical values, principles and norms, and laying down guidance for decision-making processes, would be especially helpful. This is so not least given the decisive role which may potentially be played by public administration in the future of European integration

processes since it embodies the efficiency and qualities concerning values and norms that create the conditions for social and human order in all aspects of life. To achieve ethical norms and values means setting some clear standards that can regulate individual relationships between people (Ondrová, 2016).

Codes of ethics and conduct promote a dedicated environment in an organisation, provide a foundation for it as an intellectual institution built from the bottom upwards and enhance the rule of law for all kinds of activities. The implementation of such codes enhances confidence between the institution and those with which it comes into contact as a means of raising the level of values, efficiency and effectiveness. Codes of ethics and conduct act to encourage investors and attract employees that have a preference for working in institutions that are concerned to implement ethical rules and procedures. At the same time, professional managers have the obligation to make sure that the rules of ethics which are set down are properly in harmony with the objectives of the organisation.

Creating a common European administration space creates a desirable spirit within which common principles could be established, although these principles may be shown differently in legislation which varies from state to state. Ethical behaviours in administration organisations are, in many ways, determinative of the identity and trust embodied within an institution.

Articulating the virtues of an ethical approach in public administration is closely connected with the professional ethical traits of those charged with the delivery of public services (Ondrová, 2017). This requires advocacy for, and the establishment of, standards of ethical behaviour in decision-making for both leaders and rank-and-file officers alike. The inherent professional virtues and moral qualities of public servants – such as honesty, sincerity, integrity, compassion, dedication, competence, truthfulness, trustworthiness, courage, faithfulness, collegiality, loyalty, optimism and selflessness, accompanied by individuals' accountability for their conduct, acts and decision-making – are emphasised in European Council documents, e.g. the European Code of Good Administrative Behaviour elaborated by the European Public Defender of Rights and issued by the European Parliament in 2001.

The implementation of any code is directly dependent on the installation of a service culture within any administration that should be in place as regards the approach taken by all its public servants. Where this is the case, a number of ethical principles are foreseen that need to be possessed by public servants such as integrity, objectivity, transparency, respect for others, etc.

From a comparative study conducted among several EU member states of ways to combat unethical behaviour in public services, it is clear that the most common instruments are disciplinary measures and legal sanctions. The question of sanctions for unethical behaviour indicates to officials in state administration the measures that may be imposed on them where there is a violation of the relevant codes of practice. Disciplinary measures and procedures should be clearly defined in order to avoid any form of discrimination in the workplace. Violations of ethical rules may be of minor character right up to the most serious forms of violation.

Disciplinary measures vary in line with the violation in question, from verbal and written warnings to downgrading, transfer, suspension and the termination of em-

ployment. Furthermore, the imposition of disciplinary measures depends on whether it is a first violation or a repeated case. Some countries, however, do have a separate body which deals with situations of ethical violations (Moilanen and Salminen, 2006).

In addition to these tools to combat unethical behaviour, there needs to be continuing work on raising the awareness of civil servants in the field of public administration, enabling their own consciences to take on a crucial role in relation to the application of legal sanctions and other disciplinary measures.

The implementation of ethical codes in Kosovo

Regarding the ethics of civil servants and their role in providing services to citizens, the Law on Civil Servants in the Republic of Kosovo sets down certain principles which must be adopted by any civil servant in exercising their functions. Namely Article 5 of this Law defines the basis of civil servants' conduct according to the principles of: legality; effectiveness and efficiency; obligation to respond to requests; non-discrimination; impartiality and professional independence; transparency; avoidance of conflicts of interest; and equal opportunities for communities and gender.

There are also codes that cover certain areas of administration which seek to ensure a level of ethical conduct but also the accountability of administration officials. Ethics and integrity within the civil service is the responsibility of some institutions and structures established either by laws or bylaws. Responsibility for monitoring the implementation of the principles and rules on ethics within the civil service belongs to the Ministry of Public Administration (2014).

Nevertheless, central and local institutions should pay attention to ethics training for officials at all levels in order to raise the ethical values of conscientious behaviour in the exercise of duties and functions. The quality of administration officials is not satisfactory when we take into account the reports and research that highlight the many negative phenomena present in the performance of public administration, especially the abuse of official duties and corruption.

The presence of these negative phenomena raises citizens' mistrust in state institutions and destroys the moral values of society; hence, this represents a risk to a society where it becomes tolerant of these phenomena (Shala, 2014).

Within the legal infrastructure through which values of ethical behaviour are promoted, almost all of the relevant administrative institutions in Kosovo have adopted codes of conduct through which all staff are required to apply the principles and code of conduct in the day-to-day exercise of their jobs (Ministry of Public Administration, 2015).

Therefore, from a regulatory aspect it can be said that there is a clear presence of a set of rules and principles under which administration employees will not be able consciously to contravene standards of ethical behaviour. On the contrary, in cases of negligence it is foreseen that every institution will institute disciplinary proceedings against any administration employee doing so. However, this will only be the case where such rules and principles are actually applied in practice.

The role of ethics in public administration services remains a challenge and leaves much to be desired in Kosovo because the drafting of codes and principles of ethics alone is not enough if they are not then actively applied. Consequently, the implementation of such codes needs to be started from the top of the administration hierarchy in order to have an impact on all other levels as well.

Conclusions

In conclusion, it can be emphasised that it is necessary to work continuously on raising the mentality of thinking about morality and ethics in the professional exercise of state administration activity, ethical behaviour being classified as a quality inherent in all decent people. With regard to all institutions exercising public functions, regardless of whether or not they are state bodies *per se*, it is necessary to create codes of ethics, always with a perspective on the legal framework in force.

All employees within state administration need to have sound moral values and a sense of responsibility in order to implement the law fairly. Employees within an administration should not misuse their authority and must constantly develop moral values such that the general good is the focus of their activities.

This behaviour inevitably leads to work performance being carried out in an efficient way. State administration employees must carry out their tasks and function without pressure in terms of politics and with a high degree of awareness and professionalism. Such employees should rigidly avoid ethical violations, wrongdoing and tendencies towards corruption in the performance of social services because such behaviour is strictly contrary to moral values.

Transgressions in the implementation of public services may be avoided where officials or employees in an administration actually exhibit the ethical behaviour which they must possess. Where state administration officials act ethically in the performance of their duties, the trust of citizens in the official is directly increased but, at the same time, this also increases their trust in the institution itself. Conversely, bad behaviour by the same employee reduces the confidence of citizens in the institutions and in the state as a whole. The importance of good ethical behaviour by officials in any state administration should be in constant focus because, in this way, both personal respect and confidence in the institutions of the administration also increase.

The publication of ethical codes should be carried out not only in order to fulfil their formalities, but the principles of ethics that they set down should be respected with a high degree of virtue by every official who delivers services to citizens. This is clearly foreseen in theory, but the implementation of such ethical principles in practice constantly encounters difficulties and obstacles. In many countries, the harmonisation of ethical principles remains a challenge since the level of regulation is highly variable with, in some cases, implementation being also influenced by political pressures within the country.

States are, individually, constantly striving to adapt to the European space as part of public sector reforms because the lack of unique European policies regarding the implementation of ethical principles can have a negative impact on the reform process in these countries. Government efforts should focus on creating a positive image

for the state and state administration as a substantial professional goal, oriented towards delivering the most professional and efficient services to citizens. Codes of ethics written up and published within all public sector organisations should be analysed and updated in harmony with amendments to the state legal framework.

Finally, it is important that management within an organisation act to enable the standardisation and implementation of ethical professional values in order to avoid bureaucratic procedures as much as possible; as well as to strive towards increasing efficiency and performance through balancing innovative procedures and higher levels of accountability.

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